

**Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, December 1, 2014 at 6:30 p.m.**

**Minutes are not Verbatim
Transcriptionist: Helene Rodgville**

1. **Public Hearing** – Sussex County Community Development, regarding the Community Development Block Grant FY15
Mayor Jones: We're going to start off with a public hearing this evening from Brandy Nauman, from Sussex County Community Development Grant, regarding the Community Development Block Grant.
Brandy Nauman: Good evening. First I'd like to thank the Mayor and Council for allowing us to hold this public hearing. As she mentioned, my name is Brandy Nauman and I'm the Housing Coordinator with Sussex County's Office of Community Development and Housing. Our office applies for and administers the Community Development Block Grant Program and we apply for the various municipalities and rural communities throughout Sussex County on their behalf. This funding comes from the U.S. Department of Housing and Urban Development, but it is administered through the Delaware State Housing Authority for Kent and Sussex Counties. There's about \$2 million each grant year that gets split between Kent and Sussex; it's awarded on a competitive basis. The Delaware State Housing Authority, as I mentioned, governs the grant process; so the eligible activities for this Grant include housing rehabilitation, sewer and water hook-ups, demolition and infrastructure projects. All projects that are applied for must benefit low and moderate income households, as defined by H.U.D. For example, for this year a four-person household must make at or below \$49,900 a year. Historically, the large majority of our funding is used for owner-occupied housing rehabilitation. This is ideal because it helps to maintain the existing housing stock, throughout the towns and rural communities and with the rehabs, we can do roofing, doors, windows, electrical, plumbing upgrades, as well as energy upgrades. To qualify for the program, the household must be owner-occupied; the primary residence; they must be of low or moderate income; the home must be insured and the County taxes must be current. We do rehab. We put a lien on the house in the amount that we have spent, or invested, in the house; but it is pro-rated at zero percent interest, so in about 10 years the lien is forgiven, satisfied, and the homeowner never actually makes any payments of any kind. That's really just to prevent the homeowner from flipping the home after we have repaired it. In fiscal year 2012 you received \$64,000 for Milton and assisted five households on Tilney, Mulberry and Chestnut Streets. We did not, unfortunately, receive any funding for fiscal year 2013 or 2014. Right now there are 13 households on the waiting list and I've left a copy with Kristy, so you guys can review that, but because of your close involvement with the town resident's, your Code inspector, or anyone at the Town Hall has any information of anyone that should be on the list, please feel free to let us know. I also left our applications for the program with Kristy, as well, but they could call our office too. So the main reason that we hold this is to allow citizens or representatives to have an input on this year's application. I wanted to know if there are any questions or comments. Typically Milton has always used Community Development Block Grant funding housing rehab and so we'll plan to apply for that again in this year's application. If there ever is a desire to do infrastructure, we can always pursue that. It

does take a little bit more effort to put together the engineering and that sort of thing; and getting bids on the project; as well as having a match from the Town to pursue that. This year's application is due on or before February 26th, so we have a couple of documents that we've left with you that would need to be signed by Mayor and Council to include in our application. If no one has any other questions, I thank you for letting us come.

Councilman Garde: You said we have 13 households on the waiting list; those are Milton households? Have they already filled out applications?

Brandy Nauman: Yes. Correct. Yes.

Councilman Garde: Is there any action required on those applications?

Brandy Nauman: No. As soon as their name comes... If we get Milton funding, as soon as their name comes up, we will contact them directly and go through the process.

Councilman Garde: Okay, so this Council has no action due on those 13.

Brandy Nauman: Correct. Right. That's just to let you know that we do have some households already waiting for funding, if Milton receives funding, but I would like to know if there are any other households; if Code has gone by and seen that some households are in disrepair, that need our assistance; we'd very much like to add them to the list, as well.

Mayor Jones: Brandy, I have a question in reference to a... I guess you would call it a community; it's a managed community. When you speak of infrastructure, is additional lighting considered, or does it have to belong to a single household?

Brandy Nauman: No, the infrastructure projects would go through the Town; whatever the Town has jurisdiction over; so I'm not sure about the private community, if you would have jurisdiction there, but that's definitely something that I could look into.

Mayor Jones: So the community could make the application?

Brandy Nauman: It would be through the Town of Milton.

Mayor Jones: Okay. Alright. Thank you.

Brandy Nauman: Anyone else?

Councilman Coté: Are there any limits on what kind of infrastructure?

Brandy Nauman: There are. Typically we do streets, sidewalks, sewer, water improvements, that sort of thing, but I think that there can be an expansion of those activities. I would have to get back to you all on that.

Mayor Jones: Thank you for coming tonight.

Brandy Nauman: Thank you.

2. Presentation of Donation

Mayor Jones: Next we have a presentation from the Fire Department. Would that be you Mr. Harvey? We have John Hopkins, President of the Milton Fire Department and Derrick Harvey, who is the Chief of our Milton Fire Department. This is a Certificate of Appreciation presented to the Milton Fire Department on behalf of the Town of Milton. We thank you for the countless hours of hard work and dedication to our community. The Town of Milton is also sending you, or has sent you (I hate to say it's in the mail) a \$2,500 check, so I thank both of you for your tireless efforts as volunteers.

Derrick Harvey: Thank you all for the contribution, as well as the recognition and I appreciate that you realize the value of the fire and ambulance service in the community and we, in fact, recognize the value of the Council and the staff and the Police Department of Milton and what you also bring to the town. So thank you for the recognition.

Mayor Jones: Thank you.

Derrick Harvey: Thank you.

3. Call to Order – Mayor Jones
4. Moment of Silence
5. Pledge of Allegiance to the Flag
6. Roll Call – Mayor Jones

Councilman West	Present
Councilwoman Patterson	Present
Councilman Garde	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Councilman Kost	Present
Mayor Jones	Present

7. Public Participation

- Jeff Dailey, 211 Grist Mill Drive: Thank you Mayor and Council for letting me address you. For the record and just so there is no confusion, I want to address some of my neighbor's who are here tonight from my neighborhood proper and the message to them is simply this, I love Christmas trees and everything Christmas and yes, I do celebrate Christmas, just so it's said here in everyone's presence. My concern for Mayor and Council and a request is that as Cannery Village streets come up before you, as well as Planning and Zoning, I know that this may be tabled, yet again; but I would like to know that in going to Planning and Zoning meetings, especially, there will be a public hearing aspect and the reason why I state this, is you have some Cannery Village neighborhood resident's who have been homeowner's for 7, 8 years and even though who have only lived here for 2, 3, 4, 5 years have been keeping up with this topic, if you will. They are experts and they need to be heard, so when the developer's speak, as experts, the citizens need to be recognized as experts and that would go for inviting them up before this august body, as well. So however it is framed, because in the past, when you attend Planning and Zoning meetings, they're relatively closed. Now, under the current chair and because of the Comprehensive Planning, it seems like the public has been invited to make many, many comments. I just hope that when the streets issues for Cannery Village, one of our neighborhoods that hopefully will one day be completed, as the developer committed to, the experts who have been living with this quality of life issue in Cannery Village, are heard from. I also want to say for the record, I want to give just a brief history lesson. The development right outside the window, Preserve on the Broadkill, is adjacent to a piece of property called the Dr. White property. When I first moved here to Milton, I attended Council Meetings and there was one meeting on an LPD that was being presented to the Town of Milton. It was coincidentally being presented by Mr. Pret Dyer, who is one of the Cannery Village developer's. Now, this

was to be a neighborhood concept, much like Paynter's Mill; with a kind of Town Center, a commercial district, houses and lanes and streets radiating from that commercial center. Some of the things that came up in questioning by then council members: Ms. Betts was concerned that this new project, that was under the working title "River Walk", would be too much like Cannery Village. I know I'm paraphrasing here, but I could probably quote her as saying and we don't want that to happen. Now those hearings were taking place in 2007, 2008. There was much concern because the developer's wanted the houses to be as little as 6' to 8' apart and for a security issue, the streetlighting wouldn't extend between houses; because being that close together it wouldn't bleed through to the lanes behind. The configuration for the development would be a grid, implying with a number of comments that will be in the minutes, that maintaining the streets would be difficult, if they were not in a grid pattern. Now, in that LPD were those intended to be given over to the town? Okay. I don't know all of the ins and outs of this, but the likelihood of these records, these minutes, being available to you all and to the community, is far greater than all of those lost minutes and all of those lost pieces of paper, if you will, and even questions over who approved the Cannery Village LPD and certain specifics in 2000. We still have one Town Manager, a former Town Manager, who says hmmm. I think there was a bond. But nobody can prove it. So if referencing River Walk and those minutes from a nearer past sheds any light on whether or not the streets and lanes in Cannery Village should convey to the town, I think it's worth investigating and I hope that that is done.

- Steve Crawford, 216 Ridge: A couple of months ago there was an article in the Cape Gazette, which I mentioned to the Council, about the Tidewater Milton Plant overflowing and that was the title of it and it said Tidewater expects to upgrade or rebuild and I had asked the Council if anybody knew of any plans that they were going to do, because I suspect we would not want them to upgrade it, we would want them to move it. So I'm just asking, does anybody know anything about what their plans are for the plant? Did anybody ask anybody?

Seth Thompson: The Town has met with Tidewater. I think Tidewater's very clear as to the town's preference, in terms of not upgrading the current site, but rather moving it off. So that process is going to have to go through what's required under the Code. They're going to have submit an application. Yes, the short answer is Tidewater's aware that the town is not looking to have them upgrade the current spot, but would much prefer; we need to see some real numbers, obviously; but would much prefer to get it off of the river and in a different location.

Steve Crawford: I just wonder because Mr. Esposito from Tidewater, was the one that said upgrade.

Seth Thompson: Right and I think at the time they were probably doing their due diligence and exploring what the costs might be for that option vs. the longer term option.

Steve Crawford: Thank you very much.

Mayor Jones: That's all for public participation.

8. Additions or Corrections to the Agenda

Mayor Jones: Any additions or corrections to the agenda?

Councilman Kost: Mayor Jones, I make a motion that agenda item 14.b. be dropped from

tonight's agenda and moved to the next Council Meeting agenda.

Councilman Coté: Second.

Seth Thompson: And for the benefit of the audience, that's the Cannery Village punch list. This was at the request of the developer. We did receive what I would consider to be somewhat of an application, however, the developer sent notice today that they'd like to withdraw that application. Apparently, they need to work on some things on their end. They're not ready to present it to the town.

Mayor Jones: Any further discussion on the request to amend the agenda?

Councilman Garde: Yeah, just to clarify, this is at the developer's request and not at the resident's request? Is that correct?

Seth Thompson: That's correct.

Councilman Garde: And we are going to honor, or we've been asked to honor that request?

Seth Thompson: Right. What the developer presented, again I viewed it as somewhat of an application and generally when an applicant comes forward, they have control over their own application, until there's some adjudication on that application. So here they said we need to take another look at this. It's not ready for you guys to make a determination. So, you're absolutely correct. It's at the developer's request and not the individual owner's.

Mayor Jones: Councilman Garde, I received late today, this is from the developer, "Please withdraw the proposal sent to you by Chestnut Properties, LLC from the agenda tonight, as we sent that prematurely and still need further discussion and refinement. After we receive that consensus, we will resubmit it for town discussion."

Councilman Garde: Okay. Would be inappropriate to ask the resident's how they feel about this?

Mayor Jones: We have a motion on the table right now.

Councilman Garde: And it's been seconded. I have no more comments.

Mayor Jones: Any other discussion on dropping this from the agenda?

Jeff Dailey: Point of information, Madame Mayor.

Mayor Jones: Just one minute Mr. Dailey. I'm not opposed to hearing a couple of comments afterwards, but we do have a motion on the table and I want to see this through for right now. Any other discussion on the removal of the Cannery Village punch list? All those in favor say aye. Opposed. Motion is carried.

9. Agenda Approval

Mayor Jones: I need approval of the amended agenda.

Councilman Coté: So moved.

Councilwoman Parker-Selby: Second.

Mayor Jones: Any more discussion? All those in favor say aye. Opposed. Motion is carried. This is a little out of context and I don't know how many of you wanted to speak, because this is going to be? You need to be very brief, if you'll come to the microphone please.

Ben Steward, 128 Ellison: I would just like to comment as a citizen that the progress that is occurring between the developer and the citizen's, is progressing. It is a positive thing. This is not a negative. They were actually taking a constructive step to withdraw something that was not 100% correct and it's just a positive thing. That's all I wanted to say.

Mayor Jones: Thank you Mr. Steward.

Jeff Dailey, 211 Grist Mill Drive: Just a point of information. Madame Mayor, when

Councilman Garde was questioning and you mentioned that you had a motion on the floor and a second, could you, at that point, have suspended Robert's Rules of Order and allowed his comment, him or anyone else's comment further? I'm just curious.

Mayor Jones: I do have the authority to suspend Robert's Rules of Order, Mr. Dailey. I do not intend to make that a practice and since we're offering the opportunity, it's not going to change the agenda for tonight, it's not going to change our ability to thrash out an agreement that's only one-sided, at this time, so having given you the opportunity, I would not have suspended Robert's Rules of Order at that time.

Jeff Dailey: Thank you very much.

Mayor Jones: Sure.

10. Mayor's Report

Mayor Jones: Let me say, again, for anyone who came out and joined us on Saturday night for the lighting of the park, it was a very nice event and thanks again, Mr. Wingo to you and your staff for all the hard work. I have thanks to our Public Works, to Irish Eyes for their very generous cookie donation for that event, the Lion's Club provided hot chocolate and coffee and John Collier ran the train for us, the Chamber of Commerce managed to scare up our Santa Claus, who was a wonderful Santa Claus for the event and I thank you for those who came out. We have some other events coming this way. We have the parade for the Milton Fire Department this Wednesday night at 7:30. On the 10th of December Santa Claus visits Irish Eyes right downtown and then the large Holly Festival Event on the 13th, which is followed by a day of shopping, with the house tour by the Century Club and the hospitality night, sponsored by the Economic Development Committee and the Chamber of Commerce. So we have some events coming our way. Again, Mr. Wingo, thank you very much. It was a lovely event.

Greg Wingo: Thank you.

11. Discussion of Written Committee Reports

Mayor Jones: You have in front of you Economic Development Committee, Historic Preservation. Mr. Crawford, since you are here as Economic Development Committee, could I ask you to come to the microphone. I have a question in reference to your report. I know that your group is working on your USDA sign grant and I did send a little note out to Mr. Howard this afternoon. It referenced a letter that was sent to me in reference to the Governor's Walk alleyway, between the Mercantile and Irish Eyes. I have not received that and I did check my mail yesterday at Town Hall, however, my question is to you, when you're talking about working with the Milton Art League on the design for the archway, do you have the original artwork at hand? Do you have the original plan to that Governor's Walk?

Steve Crawford: I don't have it. Alex Donnan has been the one that has been working with that. At our last meeting, he brought some information from them, so he might have the original artwork.

Mayor Jones: Okay. I met with both of those property owner's on the 10th of November. They would be very amenable to having a tasteful sign put on the side faces of their buildings, so I think it just means working them for a little bit of a design. Alright, thank you.

Steve Crawford: You're very welcome.

Mayor Jones: Any other questions while Mr. Crawford's here, in reference to the Economic Development Committee?

Councilwoman Parker-Selby: No questions, but just a comment that I thought the ad was just extremely great for advertising our holiday events. Wonderful. Good marketing.

Steve Crawford: Thank you. Thank you very much. There's another one coming on Friday. In fact, it's in your packets.

Councilwoman Parker-Selby: Good.

Mayor Jones: Historic Preservation. Mr. Collier, I have a question for you. You stated, also further in your report, but since we have the Historic Preservation committee minutes, this is on the 2nd page; where you had an applicant come forward, 301 Union and one of the elements on there, it states, was withdrawn. How does that work when an applicant withdraws something they're actually asking permission for.

John Collier: It's not really permission, they're asking forgiveness, because the work is partially done.

Mayor Jones: And it was looked at by the Code Enforcer and the work was stopped. Correct?

John Collier: It was stopped. At this point, it is still stopped and we're getting ready to move to the next step, which is to address it, because it is unapproved; it's not within what the Historic Preservation Commission would chose for it to be, so we're going to have to find corrective action.

Mayor Jones: Okay, so withdraw doesn't just leave the situation, as is?

John Collier: No. It doesn't. All it did was primarily the reason for withdrawing it is that if the Commission made a decision to deny his forgiveness, he then has to face a one year period before he can present again. By withdrawing it, it gives him the option to rethink, possibly take to heart some of the suggestions that the Commission gave him and reapply with a more amicable idea.

Mayor Jones: Alright. Thank you. Any other comments before we go to Department Reports?

12. Department Reports: Administrative, Code, Police, and Public Works

Mayor Jones: You'll see in Mrs. Rogers' report that there is what they call a Freedom of Information Act Roadshow December 8th, 6:30 here at the library. Is that being noticed with a number of committee's potentially being here?

Seth Thompson: It is. The notice indicates that a majority of Council, as well as the Commission's, Committee's and Boards might be present.

Mayor Jones: Okay.

Councilman Garde: I do have a question on the Project Coordinator's report. The one that says demolition, specifications and advertisement text written and forwarded. Can you expand on that a little bit as to what will be demolished?

John Collier: Okay, that's in regard to the property at 105 Milton-Ellendale Highway and in order for the town to proceed with the demolition, there was a set of specifications that needed to be developed, outlining the expectations of a proposed contract, as well as the language for an advertisement and that's been forwarded, for approval and will be advertised since the Council has already acted that we could move forward with that.

Councilman Garde: Thank you. I'm going to ask you when we get to the FEMA item on the agenda, about the comments you may have received from any outside agency, with respect to that. We can put that off.

John Collier: Councilman Garde, tonight there was some additional information placed in front of you and there's a memorandum from me, as well as an email communication from a

consultant, acting on DNREC's behalf regarding the content of that and you'll find some comments there if you want to review that before we get there.

Councilman Garde: Okay, thank you.

John Collier: You're welcome, Sir.

Mayor Jones: Any other questions, comments, on the department reports?

Councilman Coté: Question for Mr. Collier. On page 3 of your report, you submitted a letter to the Town Administrator addressing business license holders and it ends with list of recipients and progress, in anticipation of completion by today.

John Collier: Well, unfortunately, I didn't complete that today. There were some meetings that came up that I wasn't aware of, but it is in progress and we will be getting that prepared to get out in time with the mailing for business license renewal.

Councilman Coté: Okay and is it safe to assume that is somewhat related to discussions we've had in the past, where the State shows Milton addresses with State licenses, but we don't have Milton licenses?

John Collier: That would be it exactly, Sir. Generally, I can tell you the content of the letter is pointing out the fact that a town business license is required, as well as if they are operating in business, out of their home, there may be an additional Conditional Use permit required. We're offering people the opportunity to come forward and make this right before we start going after them.

Councilman Coté: Thank you.

John Collier: You're welcome, Sir.

Councilman Garde: Captain Cornwell, if I might, I noticed in your report there was no mention of the incident that took place, specifically the murder that took place here in Milton and I'm wondering if you would comment on how the town's Police Department responded and how that is being handled now.

Captain Cornwell: The report that's before you is for October, not November; so we usually get a month out because of trying to get all the statistics and stuff like that together; because of the timeframe.

Councilman Garde: Okay, thank you for reminding me. I did miss that somehow.

Captain Cornwell: In regards to the homicide that happened in town, that is one of the quietest places in town, of all the developments. I can't go into too much detail about it. Our officer responded, arrived. He's a veteran officer. The investigation has been turned over to the Delaware State Police Homicide Unit, at this time. They came into the scene that night and I was present and Lt. Harvey who is also the Fire Chief, he's the officer that actually responded to the scene that night for that call for the shots fired and discovered the homicide. Right now there's not much I can say about it. Hopefully, in the future there will be some more things that we can bring up, but fortunately it was an extremely rare event that we don't want to see inside of town again.

Councilman Garde: Thank you.

Mayor Jones: And I would like to let the public know it is very standard operating procedure for a small municipality that does not investigate homicide, to turn those over to the specialized units of the State Police, so this is very routine.

Captain Cornwell: Your larger agencies like Milford, or Seaford, or even Rehoboth could handle generally their own homicide inside their town; but historically most towns the size of Milton, turn their homicides over to the Delaware State Police Homicide Unit; so it's not unusual to do

that; because they have the manpower and the ability to do a sustained investigation like that.

Mayor Jones: Thank you.

Councilwoman Parker-Selby: Madame Mayor, since we're speaking to that event, I was concerned looking at television to see about the lighting. I think we mentioned lighting here earlier and I'm wondering, because that bothered me to know that one of the lights hadn't been up there in a long time as Captain Cornwell said. That is one of our quieter residential areas and it always has been. You don't hear of anything over there, but when I saw there was no light on one of the poles, at all and one of the lights was out, that concerned me; that is in our town limits and hopefully we'll do something about that looking at all of our neighborhoods.

Mayor Jones: First of all, we spent the next day making sure that we identified that light that was out. That actually belongs to the Park Royal management group. You'll notice the light faces into the parking lot, as opposed to facing out on Bay Avenue, which is what it would do if it belonged to Milton. That light was fixed the following day through Captain Cornwell's efforts and Kristy Rogers talking directly to our Delmarva Power representative. The light was only reported after the incident. I do think I would be very interested in having Captain Cornwell submit, perhaps even a public safety analysis of what might have helped, if anything. Any increased lighting. I certainly told the resident's that I would be happy to meet with their management group and lobby for better lighting, more lighting in that complex, but that is in and to itself, Councilwoman, it's own property and so they would need to agree to install and pay for the lights, but that one light that you do speak about, was out and that's a shame and I have no idea how long that was out. They would have reported that themselves. Also, the one light that is further down on Bay, to the east, has absolutely no light on it, so I would think that would be a good light to look at for the town, because that is very dark down there.

Councilwoman Parker-Selby: I guess I have a question. I don't know who would answer it. I'm not happy with the way our lights are in town, anyway, because I know on 16 where I am, the tree limbs are all in the front and it's on the town side, because I'm annexed and you can't see a thing. People ride bikes and I can't see them until they're almost right up to my house and I've ridden around town at night in other neighborhoods, all up and down... What kind of lights can we do, or lighting changes can we make? These lights are not, to me, safe lights anywhere in town. They're too dim, especially for things going on the way they are now. That's my personal opinion, but...

Kristy Rogers: We had a meeting a few months ago with Delmarva Power and Light, as well as a company called Holophane to do a light study in town to have adequate lighting; look into LED lighting. We have received the study back and it's just going to take some time to review the outcome. They provided maps, as well as what type of lights are located throughout town.

Councilwoman Parker-Selby: Good. The town's a little too dark for me.

Mayor Jones: LED lighting is not yet available; that's where we are on that project too? Is that correct?

John Collier: LED lighting is not available for all the types of light heads that we have in town at this time, however, they're developing the retrofit kits for those and I was involved in that study and I've been directed by our Town Administrator to continue my involvement and I've had some conversations with Mr. Wingo regarding the possibility of some pilot areas for LED lighting in town. What we heard during the course of meetings was, a lot of times resident's are initially offended by LED lighting because it's a different type of lighting and it's a lot brighter white lighting than what we have right now. The up side of it is you get far more lumens for less

wattage and it could be a cost savings for the town; we just have to strike a happy medium with the level of wattage that we install, as far as getting sufficient light without being offensive to the folks in town.

Councilwoman Parker-Selby: Thank you.

Captain Cornwell: Just to go back to the lighting. The complex out there, this week, Wednesday or Thursday, I believe, is having a company come in and do a survey on their lighting to see what they can do to improve lighting. Just so the public knows, lighting is nice, but you need to know where you're at and be aware of your surroundings also. Just having lighting there does not mean that something bad is not going to happen to you. The light does several things. It lets you see what's around you, but it also lets the bad guys see what's going on too. Okay? This incident we're talking about, the light pole that was behind close to the road that was overlooking the parking lot, however, what most people don't know is there is a pretty bright light on the side of the building that was right in front of the vehicle where the homicide happened and it was working, so there was a light on right there. The reason I bring that up is lights just won't protect you. You need to know your surroundings, what's happening and be aware, so that you can react appropriately.

Councilwoman Parker-Selby: I agree with you, but I can't see... when you get holder, which many people out there where you can't see and you still need to have a little bit of light to help you see your surroundings. That's not a negative, that's just to let you know.

Captain Cornwell: I understand. Light's nice, but there was a light right there where it happened. Just so everyone knows. Be aware of your surroundings. What's going on around you and always have a plan.

Councilman Coté: In the Public Works Report, when we were working on the budget, we had some discussion about the fifth Public Works employee. I see there's a report in here.

Mayor Jones: It comes down to New Business, Councilman Coté.

Councilman Coté: Oh, sorry.

Mayor Jones: That's okay. Anything else on department reports?

13. Finance Report and Revenue/Expenditure Report

Councilman Coté: The report we have is for October, so it's one month into the year, so we're not in terrible shape yet; not that we will be, but the spending looks to be basically in order of the percentage that should be expended in most accounts, except small ones, where they're one time payments, looks in order. We are in a period when taxes don't come in until January/February, so we are in a period where cash gets a little tight and in the General Fund we have about \$150,000, which is, on average, a little more than a month's spending and we have in the savings we have about \$450,000. With the revenues that do come in in the meantime, we should be fine to carry through until the tax money comes in. The Utilities checking has approximately \$650,000 and the Water Impact Fee account, now that's separate from the General Fund; we don't use any of the Water, the proprietary checking account, Utilities checking is separate from the General Fund. We don't pay any General Fund bills with that money. We pay water related expenses. That checking account is \$650,000, plus a little, and the Water Impact Fee is approximately \$400,000. Questions?

Councilman Garde: I'm tempted to ask, since we're less than 10% of the way through, we seem to have spent 24% of the police overtime budget and 22% of the police Training and Seminars budget. I see Captain Cornwell has left, but I'm just wondering if those were anticipated to be

spent early, or if they appeared likely to go over?

Councilman Côté: Well we have two... Captain could probably answer this better, but we have two officers in the Police Academy, so that right now, getting them through training and getting them supplied, which is part of training expense, takes up a big chunk. Overtime, hopefully, will level out a little bit when the two new individuals come on board.

Councilman Garde: Thank you for that explanation.

Mayor Jones: Are there any other questions or comments in reference to the Finance Report?

14. Old Business – Discussion and possible vote on the following items:

- a. Shipbuilders Water Tower Foundation – construction administration and inspection fees

Mayor Jones: In November when we met and awarded the contract for the replacement of the tower to foundation, it was also recommended that we had inspection done, along the way. Carlton Savage, the engineer for Pennoni, gave an estimate on the floor, but did not have anything written. Tonight he has presented an estimate. The contract for the foundation right now is being held up until this inspector, or inspection group, is named. I, for one, am not very pleased with this report, as it is almost twice the amount that he quoted and mind you, just quoted in front of us; but that's what we have in front of us. So questions, comments. Mr. Savage is not here this evening. Mrs. Rogers were you reaching out to that group this afternoon?

Kristy Rogers: A call was placed with Pennoni, but I did not receive a call back.

Mayor Jones: Okay.

Councilman Garde: If I may, I have a little comment on his schedule. He's requesting two weeks notice after approval of the scope for him to mobilize; that just seems a little high to me. I think he can mobilize in 15 or 20 minutes, rather than two weeks and that would hold the start of the operations up. The first thing he's going to do is review shop drawings. The first thing the contractor's going to do, is prepare shop drawings and I would like to see if we're going to back to him, to get the two weeks advanced to something more reasonable for this circumstance.

Councilman Kost: Mayor Jones, I have a question. In the bid, or the proposal, it talks about Pennoni doing survey stake out, staking out the project. Was that part of the original contract that Pennoni was going to do the stakeout? Or, is the contractor supposed to do the stakeout and it's already in his bid, we would wind up paying for two stakeouts?

Greg Wingo: The survey on here is basically for Pennoni to go out there and do the final stakeout on exactly where that foundation is going to be placed. The engineer service that was in the bid packet, whatever engineering firm that we were going to go through, that's who they were going to get to do that, so to speak.

Councilman Kost: So we, the town, will do the stakeout; that was always planned that way?

Greg Wingo: Yes.

Councilman Kost: Okay. And the same with the as-built drawing? We are going to pay for an as-built drawing? That was always planned to be that way?

Greg Wingo: Yes and that's required from that contractor.

Councilman Garde: Wait a minute. The as-builts are required by the contractor, or are we going to do the as-builts under the Pennoni contract?

Greg Wingo: The way that I read it in the actual bid proposal, it was the contractor was liable to hand us over the as-builts.

Councilman Garde: Yeah. I mean that's normal. The contractor is the one who marks up his own drawings and then makes an as-built when he's completed. So we shouldn't need as-builts by Pennoni.

Greg Wingo: Not the as-builts, no. They're just going to review that, as they turn them in.

Councilman Kost: It says preparation of...

Councilman Coté: But that's under Additional Services, which aren't included here...

Mayor Jones: Question. The Inspection Services which are truly the highest amount, Councilman Garde brought up a very good point and that is the folks who were awarded the bid, do they have no inspector's on site themselves? They must be having to do some of this?

Greg Wingo: They do have inspector's, but the biggest thing with this project, I wanted an engineering firm that Council approved; just as that second eye. I don't want us to end up getting stuck like we got stuck with what we have.

Mayor Jones: And I respect that and I think Milton needs that, but I have to tell you that there's an awful lot in this report that without somebody here to make this presentation, is almost impossible to understand why we need it. It's a one-sided report for me. Okay? This is way beyond my scope and I wouldn't even mind talking to somebody else from Pennoni in reference to this quote. I think it's very high on top of and I do understand that it's holding up the bid, so somewhere in the bid does the company have very distinct what their inspections will include? When it went out for bid and we brought that back, was that information included?

Greg Wingo: I believe the only actual required inspection in that bid package, was for welding; that they were required to bring in a certified inspector for the welding. For the concrete, like I said, this is a lot of something that I have asked a little extra. We can put it all on the contractor; but I'm going to sit here and tell you I'm not 100% guaranteeing that we're not going to end up with the same thing 10 years from now.

Mayor Jones: I understand, but in some of the laboratories testing services, I thought some of that soil study and testing had been done when that original analysis was done, determining what was underneath the proposed platform. This may indicate that it is done in stages, but I would have thought some of this information was already available. Again, beyond my scope of understanding, I won't sit here and pretend that this is an easy report to read.

Greg Wingo: The concrete foundation is basically what Pennoni is pretty much going to hammer down with the inspections and it is a little high. I can't answer why he just shot out a number at the last meeting on this and the majority of the inspector's are coming from the Philadelphia firm to inspect us, just for the simple reason is that there's not that many people around this area that work for Pennoni right here, that do this type of work.

Mayor Jones: Well, it can be at the pleasure of Council, if there are more questions and please feel free to ask them.

Councilman Coté: Just a comment, thought. When Mr. Savage did that off the top of his head number, we were discussing inspection services. The inspection services alone are not so different; they're a bit higher, but not terribly higher and I don't know if he

thought about administration and this survey stakeout review when he quoted that, but I don't know how we get to move forward on this with no one representing them here, to answer these questions.

Mayor Jones: The construction administration alone at \$9,500 must represent some guestimate of manpower hours. This is only a 90 day project. Am I correct?

Greg Wingo: That's correct.

Mayor Jones: \$37,500 for a 90 day project and there could be additional services; or it could be diminished, but that was a little bit of a shock in having received this. I'd like to make a recommendation that we invite Pennoni to the next available Council Meeting that we have, to explain this. That would be my request. Anyone else?

Councilman West: I have no problem with that.

Councilman Garde: I don't have a problem with that, other than the fact if our next meeting is in January, that's worrisome to me. I would be willing to attend a special Council Meeting, personally, provided I'm in town and whatever, but schedule that somewhat at mutual convenience, in order to get through this, so we don't hold the main contractor up for the inspection services, but there are questions.

Mayor Jones: That would normally be about the 18th of December, if we had a second December meeting.

Councilman Garde: I'd be willing to go to one on a Thursday afternoon, with Pennoni, but that's only me. I would like to not hold this up until our regular January meeting, if that's at all possible.

Mayor Jones: We will check... Mrs. Rogers will check with the library for the availability of a second December meeting. I have to agree that we need to move on this, but this information in it's form just here, I find it confusing and difficult to understand exactly the benefit this... I understand the benefit it brings to Milton to have it's own inspector on and we certainly have learned from the past to make sure that we do that. But this is a lot of money, on top of what's already been...

Councilwoman Patterson: It is and I really do think it would have been beneficial if Mr. Savage was here, so we could ask him the questions.

Mayor Jones: So, do I hear a motion?

Councilman West: Madame Mayor, I make a motion to table this until our next regular or a special meeting to be convened with Mr. Savage.

Councilwoman Patterson: Second.

Mayor Jones: All in agreement say aye. Opposed. Motion carried.

- b. Cannery Village punch list, development standards and subdivision and site plan approvals – **TABLED**

- c. FEMA required review and update of Town Code Chapter 125, Entitled “Floodplain Management” (second reading)

Mayor Jones: In your packages you received a colored edition that shows you where the changes were made and tonight you had in front of you a “clean” copy with a memo from the Project Coordinator. Mr. Collier?

John Collier: Good evening again, Mayor and Council. As Mayor Jones just said, you have this in front of you for a second reading. I have provided you with a clean copy

tonight, because I realized that sometimes trying to follow all of the track changes is a little difficult. This is actually an ordinance that repeals the current ordinance, as it is written and replaces it with a newer ordinance with a different title and quite a bit more information in bulk, within it. As it states in the beginning of the Ordinance, the Town of Milton has been accepted for participation in the National Flood Insurance Program since August of 1978. Periodically, the flood maps are updated as well as the requirements for remaining in that program. This ordinance is a result of this. I have to say that most of the changes that were in this, this was actually sent out to DNREC's consultant, who sent us back a more or less an example ordinance and I took it and inserted the language regarding the Town of Milton and all of the approvals, as well as it was up to us to decide who was responsible for administering this and the penalty phase and everything else. The penalty phase is within the standard penalty phase that we have that covers everything. It's not specifically identified. Part of the document that you receive tonight is a copy of the email that I received back from DNREC's consultant, Ms. Quinn, based in Charlottesville, Virginia and she essentially just said, "The attached is good to go." So it's in the format. It contains all of the necessary language that's required by FEMA and once it's executed by the town, she will package it along with all the other communities within the state that have the same thing to do for DNREC to present to FEMA. Now, I must tell you that even though we're asking for this to be put forward today, this will not have an effective date until March 16, 2015, which is when FEMA adopts the latest and greatest version of the Flood Plain Maps. Other than a lot of additional language, it mirrors our current ordinance as far as the amount of free board, or distance above the base flood elevation that's required in new building in the flood plain. We did not make a change there. It was 18" before. It remains at 18". It just makes a lot of reference to some various forms and documents that are available through FEMA and I've made printed and I also have electronic copies of those, on file at the Town Hall, should anyone come forward in regards to anything that has to do with the flood plain ordinance, so those are readily available for the public. All they have to do is come in and make the inquiry and I can provide them anything. There's no searching or having to find it, it's already taken care of. So at this time, this is for your consideration and approval. I'm not going to tell you it has to be done today, but the sooner the better, because there are time constraints with it having to be packaged to other communities and I think right now we may not be the first one to get done, but we're not among the last either.

Mayor Jones: A question for you, since we're repealing the present ordinance and going for a new one. With all that we have heard from DNREC, Dr. Susan Love, do you feel that the 18" that is in our present 100 year flood plain, is enough, if we're taking this on?

John Collier: The best example that I can give you, I learned today that the greatest amount of free board that any community that is flood prone in Sussex County has is 2' and that's Bethany Beach.

Mayor Jones: The just passed it. Yeah.

John Collier: They just passed it. Everybody else is at 18", or less. So I think we're in the wheelhouse and we're much further off shore, well in shore, than Bethany Beach. To give you an example, a building that came in for new construction; if somebody were to build out here on the south side of the river, on one of the properties that can be built on,

the average elevation there is about 4'; so based on a base flood elevation of 9' and having to be at a foot and a half behind it, that would put the first floor elevation at about eye level for me, standing on the ground.

Mayor Jones: Okay.

John Collier: So that's to give you an idea of how high that places it and the only advantage to putting a higher elevation, or a greater free board in, would be that it would make a reduction in the insurance rates, flood insurance, that would be available for folks; but on the other hand, you're starting to build stuff on stilts, so to speak; so it strikes a happy medium and that's why it was left at that level. That was a judgment call that I made.

Mayor Jones: Thank you for your work on this. This is our second reading?

Councilman Garde: Can I confirm at least one definition? New construction. New construction is dated the date of inclusion in the insurance plan, rather than the update of March, 2015. It's under definitions. It's on page 8. Well I'm not sure what page it's on in the uncorrected version; but in the version I reviewed, it just has a date for new construction, which means, I assume, that all of Heritage Creek and Cannery Village and Chestnut Crossing are all considered new construction. I was just expecting that date to be March 2015.

Seth Thompson: I think that dates relates back to when Milton first became...

Councilman Garde: It is. That date is the date when we were accepted into the National Flood Insurance Program.

John Collier: Generally, I would think that that, I'm going out on a limb here, because I don't know; but generally, the way that I interpreted that was that even though you have buildings that may be started today, there's a grandfathering phase within this; so all these buildings were considered new construction after that date and so they're still grandfathered into the program, at this time. Anything built prior to 1978, is not grandfathered in under any of the current flood ordinances and they have a different flood insurance rate that they have to deal with, regardless of where they're at at this point in time. Anything prior to 1978 is not grandfathered under any of these ordinances or the preceding ordinances and this is how I interpreted it and this is basically what the guidelines stated when I reviewed this.

Councilman Garde: I don't even remember where it was, I didn't underline it, where the use of the definition was, but the March, 2015 date is the date of the updated flood insurance rate maps.

John Collier: That's right. Right now the flood insurance rate maps are in a trial period, so to speak. This is the period when anybody can make a protest or an inquiry as to how the flood maps are drawn and the elevations included within. I have to say that based on my personal experience with dealing with elevations for many, many years and the knowledge I have of Milton, that I don't really think that Milton has anything that they should fuss or complain about at this point in time. The elevation is kind of generous.

Councilman Garde: My only point in trying to go through what the definition meant, is that those which were built subsequent to August 1, 1978 and those which shall have been built subsequent to March, 2015 will have different base flood elevations, or at least different FIRM's (Flood Insurance Rate Maps) applicable to those areas and I was trying to connect those dots and they didn't connect real well, but it does have to do with

how the word new construction is used and it must be used in respect of the program, rather than the FIRM's. You know what I mean.

John Collier: Yes and I understand that. What I can tell you currently is that there's only one or two parcels within town, unless something gets knocked down and rebuilt that are impacted greatly by the whole thing.

Councilman Garde: Except when we get to it, I looked at Heritage Creek and I couldn't find that. It's just colored green. There are no base flood elevations indicated. No preliminary flood indication. No nothing.

John Collier: Heritage Creek is on the very fringe of the 100 year flood plain. So in a 100 year storm, which I think is a 1% chance...

Councilman Garde: 1% chance, per year.

John Collier: Water could get to the point that it would be the fringe on the base in the cul de sac closest to Dogfish Head.

Councilman Garde: Okay, I couldn't interpret the maps because there was a straight line and then...

John Collier: Councilman, what I can do is if you'll come by my office, I think I can show you some better maps than you probably have been able to see.

Councilman Garde: Okay, thank you, because it would have... I finished reading this cockamamie thing and then I came up with the suggestion that we take on a Planning and Zoning recommendation in Heritage Creek and I just wanted to see that those dots got connected and I couldn't connect them, but I'm sure they're connectable.

John Collier: What I can share with the Council is I just received a package from FEMA with all the latest flood elevation maps and I have all this on disk and we can even go so far as to locate houses by address and stuff, and I'll show...

Councilman Garde: I've looked at my own house, so I have at least that capability. But, thank you.

John Collier: You're welcome, Sir.

Mayor Jones: Where do we stand legally on this.

Seth Thompson: I reviewed it. We would need to put in that effective date, Section 5 of the Ordinance there's a blank there, but I mean that's the earliest date you could have it effective, is when those maps are adopted; so that's the March 16, 2015 date. I think the only issue I noticed legally, was the use of the term, and it's in our current ordinance, which I think is why it appears in this one, but the Permit Officer... Sorry, this is page 25, the proposed section of the Code is 125-33, where it mentions at the direction of the Permit Officer. Now there's the catchall that says or any other authorized employee.

Councilman Garde: But he had crossed out Permit Officer, earlier on and put Project Coordinator, so I looked at that as a typo and I would say that 125-33, on page 25, on line 2, Permit Officer should be stricken and replaced by Project Coordinator, to conform to language used in this draft earlier.

Seth Thompson: I think that makes sense. The only other way to do it and it's kind of six in one hand and half a dozen in the other, would be to define the term Permit Officer.

Councilman Garde: Absolutely.

Councilman Kost: It also talks about the Flood Plain Administrator on page 18.

Seth Thompson: Which is defined as the Project Coordinator.

John Collier: Would you make that correction?

Seth Thompson: That works.

John Collier: Would you like me to make that correction before you act, then I would be happy to do that?

Councilman Garde: If you want one other draft thing item, in Article III, Section 125-10, the second to last line, it says administration of any part of these regulations by another entity shall not relieve the "community". I would just suggest changing the word community to "Town of Milton", which is the intent; of it's responsibilities. I think that's the intent and you've made it Town of Milton everywhere else.

John Collier: What was that section you quoted?

Councilman Garde: It was Article III, Page 9, Section 125-10.

John Collier: Okay, thank you Sir. I'll make that change as well.

Mayor Jones: So even this coming back to us in January and approving it's effective date, how quickly do you want this back?

Seth Thompson: Based on the discussion so far, I mean frankly, I don't think anybody could argue they weren't on notice; that you guys are making such substantial amendments that it would run counter to the ordinance, itself. But I don't know if Mr. Collier knows if there's a timeframe. My understanding is that it needs to go to FEMA or their consultant and then come back, in the event that there are any issues.

John Collier: The way that I understand the process, once the town adopts this, then I have to submit it to DNREC's consultant, who would package this on DNREC's behalf for presentation to FEMA and I wasn't given any strict timeline for this; it just generally indicated that it needed to be done sooner than later. I'm trying to prevent this from being an eleventh hour issue.

Seth Thompson: One of my other municipalities is dealing with it in a couple of weeks, so we're in that timeframe. Some municipalities have already handled it.

Mayor Jones: Do you think the January, 2015 meeting would be time enough? Certainly, time enough to rewrite.

Seth Thompson: I haven't directly dealt with the FEMA Representative, so I'll defer to the Town Administration on that.

John Collier: With the changes that you are proposing, I'm not against putting this together and having it back. You're already looking at a special meeting for Pennoni, I would be happy to have it ready for that, if need be so that we can get this taken care of.

Mayor Jones: That would be great. Thank you.

John Collier: Alright. I'll have that back to you at that meeting.

Mayor Jones: Did you have any other questions Council?

Councilman Coté: I don't think we've made any drastic changes. Is it conceivable that we could approve, as amended?

Seth Thompson: You certainly can. I think, legally, you are on firm ground to do so. Again changing one term does more accurately reflect our town's titling of those people.

Councilman Coté: What do we have two changes?

Mayor Jones: Two changes.

John Collier: Two changes. Yes, Sir.

Seth Thompson: And the effective date section, obviously, there's blank space there that needed a discussion; so the effective date issue was going to need to be discussed. I don't think somebody could look at the draft ordinance and say well that's a surprise that they

discussed that issue.

Councilman Côté: In the interest of moving forward, I'd like to make a motion to approve the Flood Damage Reduction Ordinance, as amended.

Councilwoman Parker-Selby: Second.

Mayor Jones: Any further discussion? All those in favor say aye.

Councilman West: Wait a minute. I have one question. John, didn't you say that we wanted to do this by March 15th?

John Collier: March 15th is when FEMA adopts the newest Flood Plain Maps. There's a process that this needs to go through. It has to go back to a consultant that's working on DNREC's behalf and then they're going to package this along with every other community in Delaware for presentation to FEMA. Now, the sooner it gets to FEMA and they look at it and say yes, this is fine. I've been told that it's good, in respect to what FEMA's requiring, but there's that outside chance... personally, I would rather not put this off until March 15th. The two changes that you've asked I will prepare copy for signature by the Mayor, who actually has to sign off on this, if I'm not mistaken; that notes those changes and I'll be happy to do it before, but again it's at the pleasure of the Council. It's not my decision.

Seth Thompson: Just for the record to be clear, I think we actually discussed three changes, including the effective date, changing Permit Officer to Project Coordinator and then Councilman Garde's changing the term community to Town of Milton.

Councilwoman Patterson: But I have a question. So the changes that we are talking about are on FEMA maps that haven't come out yet, so we're not quite sure... Are these current maps, or...

John Collier: The FEMA maps are out. They're in the stage where if somebody wants to file an amendment to them, that could be done.

Councilwoman Patterson: Are these the maps that we saw I guess six months ago, when we discussed this?

John Collier: Quite possibly. I'm not sure what... I know that I've seen them. I have access to them online.

Councilwoman Patterson: I'd really like to see the maps before we move on this; because I have seen flood plain maps. I have built in town. I understand, but I don't know what shifted and what's not, before we make a decision.

John Collier: Primarily, from the old maps to the new map, there's very little change. They're almost identical. Some lines shifted in the area of Round Pole Branch, on the south side of Round Pole Branch and that's pretty much it.

Councilwoman Patterson: That's it?

John Collier: The flood lines are where they were on the last map. You could almost take one and lay it over the other and not see much difference, but if you want to see them, I'm happy to provide those, because I don't expect you to take my word for it.

Councilwoman Patterson: No, I always like to err on the side of caution, so...

John Collier: I understand.

Councilman Kost: The maps themselves though, we have no control over those lines, right?

John Collier: The only thing that the town could possibly do, the town could file a more or less like a Letter of Protest. We do not agree with this line on the map, but you also,

with that, would have to perform the engineering in order to dispute their claim. I'm not saying that's not impossible, but it's not without cost and at this particular point in time, it's not significantly impacting anybody that's not already been impacted by previous versions.

Mayor Jones: So we have a motion to approve, with the three amendments and we have a second and we're still in discussion. Are we ready for a vote. All those in favor say aye. Opposed. Motion is carried. Mr. Collier I would ask, just so that each person here has a copy, would you provide a copy of those maps in the mail slots at Town Hall, so they can be reviewed?

John Collier: Would 11X17" be acceptable?

Mayor Jones: Probably manageable.

John Collier: This size, which is really a small...

Councilman Garde: 11X17" at what scale? These things are scalable all over the place, so what would you include? Would you include the entire town on one, or there are four...

John Collier: I can get the entire town on one, I could put it on four, whichever you prefer. I understand your point councilman.

Councilman Garde: I would prefer it so that when you look at it, that you see the aerial photography, rather than just the maps, the smallest scale, rather than the largest scale, where you can see aerial photography.

John Collier: The largest I could produce this would be a 2X3', which is a normal plan sheet size, which you could get it to fit on the whole town, I just don't if it's in a scale that you can comfortably look at; that's the only concern that I have. 8-1/2X11", it just looks like a green and blue and yellow blob on a piece of paper. I think larger would give you a much better feel for what you're looking for.

Councilman Garde: That's fine.

15. New Business – Discussion and possible vote on the following items:

a. Economic Development Committee - budget for fiscal year 2015

Mayor Jones: Mr. Howard are you going to step up to the microphone for this. You will understand that at the budget time the Council approved a value for the Economic Development Committee budget; they did not approve the Economic Development Committee budget. So if you will come up and make your presentation, please.

Bob Howard, 217 Chandler Street: I'm Chairman of the Economic Development Committee. I believe you have in your package a copy of the budget request that we submitted and a copy of the procedure that we proposed and I believe, you approved, last year for approval of expenditures from the budget. This year's budget request did not have the line by line detail as much as the previous year; for example, the particular issue tonight is Promotion/Publicity. Let me go back. The budget request that we made this year was the same as last year, the same as the \$5,000 a year approved last year, with the exception of \$1,000 in addition for the mural project that we have been working on and we understood that you did not want to fund the mural project, so we assumed that the \$5,000 you approved was in line with our budget request. That request was broken down into \$3,229 for Promotion/Publicity and then \$800 for a Christmas Event and then

\$1,000 for the mural project, which you didn't approve, so that would make the sub-total for Promotion/Publicity \$4,029; support for civic organizations, again we didn't provide a breakdown, but we asked for \$791 and the total of those two groups came out to be \$5,189.90. The \$189.90 was money from the bake sales that we conducted a couple of years ago, so we've added that into the budget as money that we could spend, but not that it would be included in the town's budget for this year. So the request from us tonight is that you approve this budget and by the procedure that we agreed to a couple of years ago, when we wanted to make an expenditure from one of those lines, we would give a form to the Town Clerk, the details of the request for what it was to be spent for and she could approve it, as long as it didn't exceed the amounts in that line. If we wanted to spend the money on something other than Promotion/Publicity, or support for civic organizations, by the procedure, we would have to come back to Council and ask permission for that expenditure and the procedure has a request form for expenditures, which we would fill out and it would either be approved by the Town Clerk for one of the budget lines, or by Town Council for some other items. Also, included in the request that we gave you for tonight's meeting was a form filled out for an ad for the Christmas Season promotion, to come out of this year's promotion budget line and I think my letter said if you approve the budget as we submitted it, then the Town Clerk could approve that request; if you don't approve the budget as we submitted it, then we're asking you, as a Council, to approve that particular budget request tonight, so that we can purchase that ad. Are there any other questions?

Mayor Jones: I have a couple and a comment. This is a very lovely ad, but it was completely devoid of Milton's own sponsored lighting of the park. I'm making an observation. That's all. I did notice that the lighting of the park was in the article.

Bob Howard: I believe there were two ads that we did this year. The first one did have Lighting in the Park on it, but this ad is not to come out until this week and the Lighting in the Park has passed.

Mayor Jones: And the last was on Friday, one day prior to the Lighting in the Park?

Bob Howard: Right.

Mayor Jones: Two more things in here. You have a \$971 line for support of civic organizations. There are no civic organizations listed here and so I think it should be up to the town on who we support and their events, so defining that for me would be a help. Also your \$800 for the Christmas Event, which you have traditionally, for two years, spent from your previous budget.

Bob Howard: Correct.

Mayor Jones: So \$800 now, you've already spent your Christmas money for 2014 and in reality, your Christmas money for 2015 won't be needed until after October the 1st.

Bob Howard: The request that we have tonight is to spend \$376 for this ad and we're proposing that that come out of the line for Promotion/Publicity, not the Christmas Event.

Mayor Jones: I understand, but the Christmas Event...

Bob Howard: So the Christmas Event for this year, we've spent the \$800 from the 2014 budget or are spending that and this additional ad would come out of the publicity line for next year, but it's not our intent to have it come out of the \$800 for the Christmas Event for next year.

Mayor Jones: Again, I may have missed my point. You won't need your Christmas

money until after October 1st next year.

Bob Howard: Correct.

Mayor Jones: So I would take the \$800 off of this budget, because what you're doing is you're spending it in September, just before the very end of our budget year, whereas if you applied for those funds again, they'd be given to you October 1st and fully available to you. Are we just agreed on the dates and how that money works and you're actually doing it a year behind.

Bob Howard: Correct. Yes, we are and the reason is for the planning process, if we don't know until October 1st that we're going to have money to do a Christmas Event, it's almost too late to do the planning for that.

Mayor Jones: This is your second year on your hospitality night. How do things play out as far as the folks who fill out the slips for the door prizes? Do you find them to be basically repeat Milton folks who go to the same place? Or do you get a number of those chances come from folks in other towns? Other locations, just not Milton? Do you have a look at them? I'm just not sure.

Bob Howard: We don't do an analysis of those tickets. All we ask on the tickets are names and phone numbers, 684 would be the Milton area, but we did have some winner's from out of town last year. I don't remember exactly what they were. Last year we got a mixed response from different organizations or stores, as to the number of tickets that they gave out. Some stores did quite a few. Some did very few. We felt in our lessons learned, a review of how the program went last year; we felt that the weakest part of it was the publicity; that people weren't aware of that, so we tried to beef up publicity this year and we tried to get started a little bit earlier with that and recruiting merchants. I don't know how that's working out. I'm hopeful that there's more... The intent is to support the merchant's in town by trying to bring business into town and get people to spend money in town, rather than going someplace else to spend it. There are not a lot of merchant's in town to support that way, but the restaurants that are participating, Dogfish Head is participating and most of the retail outlets in town are. The chain retail outlets have difficult getting approval to do that, so we don't have full participation from them.

Mayor Jones: Okay. Comments from other members of Council?

Councilman Coté: So this budget request is for \$5,000, because we eliminated the mural project; is that correct?

Bob Howard: Correct.

Councilman Coté: Okay. Now, the \$189, unless we set it aside specially, which I don't believe we did... it's gone. It was gone last... When September 30th ended, you didn't have \$189.90 anymore. It's true.

Bob Howard: No, I'm sorry councilman, it's not. We had this debate a couple of years ago and after that we had a couple of bake sales and we didn't turn the money into the town, so the money has never been turned into the town, so it didn't disappear with the budget.

Councilman Coté: That's its own problem, I believe.

Bob Howard: I think so, yes. Definitely.

Councilman Coté: Because if the committee advertised a committee-sponsored event and the committee's part of the town, which I believe you are and you didn't turn the money in; I mean, it's not a great amount of money, but it's not right.

Mayor Jones: Well, let me speak to that. People who support the Economic Development

Committee through a bake sale, or something, have given freely to support the Economic Development Committee's efforts and yet, at the end of a budget year, the Town of Milton turns around and takes it away and pays the lights with it. I've never agreed with that. We have had a couple of administrations worth of discussion with this and I believe that that money rolled over and stayed with that group.

Seth Thompson: It sounds like those are two different issues, though. There's the custodial element where the Treasurer is charged with having custodial responsibilities for all the funds of the town and that's really something different. I completely agree that if somebody gives money at a bake sale, it shouldn't go to some other purpose. I see those as two separate issues.

Bob Howard: I apologize, Madame Mayor, we're remiss in not bringing that back to the Council for a resolution of that issue.

Mayor Jones: That's the difference between knowing what you've given to and then wondering what's going to happen to it at the end of a budget year.

Bob Howard: That's the explanation for the \$189.90 on that income line.

Councilman Coté: So that's money that the town does not have.

Bob Howard: Correct.

Mayor Jones: I am concerned about the almost \$1,000 in support for civic organizations. You would need to nail that down for me, because outside of the July Fourth celebration, that's the only thing that is even remotely active and it was active last year.

Bob Howard: That was active last year and we spent that money last year. Last year we had budgeted \$500 for Shakespeare in the Park Festival, which never happened and as far as we know it's not planned again for this year, so we didn't want to identify it as such; but we wanted to keep that category. No, we don't have any civic organizations identified for use of that money. Now the kind of things that we've had requests for in the past are things like taking out an ad in the booklet for the Garden Tour or for the House Tour and things like that and we haven't, I must say, to my recollection in the past few years, given money to any civic organization, other than to take out an ad in one of those booklets.

Mayor Jones: Well, the town takes out an ad in that booklet and outside of advertising, the Economic Development Committee is the town.

Bob Howard: Correct. We've tried not to double up on that and I don't think we have.

Mayor Jones: Without being specific as to what candidates may be supported in their efforts of public events, you're asking Council to approve a dollar figure that is not attached to anything, so we don't know what we're supporting.

Bob Howard: Correct, other than it's support of civic organizations. Correct.

Mayor Jones: But be careful of civic organizations; the title civic organizations.

Councilman Garde: I think this falls under, in the spending procedure item number 4; so it says if funds are budgeted, approved, but not specified, they've got to come back to us and tell us what the specificity is and we get to approve or not approve, at that point. That's the way I read item number 4.

Bob Howard: By the way I would read it is, if it were a civic organization, it's covered by line item and the Town Clerk could agree, or not.

Councilman Garde: Okay.

Bob Howard: But in any case, it would be the Town Clerk's decision, whether or not it

comes back to you guys.

Mayor Jones: It could just be I'm hung up on the definition of a civic organization, as opposed to a community organization; someone like the group that put on the Fourth of July and events, such as that. I think of civic organizations as the Lion's Club, as the Kiwanis, as those types of folks and again, it could just be my definition.

Bob Howard: I don't think we disagree on that. I'm trying to think of a Milton, not for profit organization that wouldn't fall into that category, except Homeowner's Associations are not for profit and churches are not for profit and I wouldn't consider either of them civic organizations; the Historical Society, for example, I would consider a civic organization and I think Friends of the Library I would consider a civic organization. If you would like us to give you a specific request for anything from that line, I guess we can agree to do that.

Mayor Jones: Well that would be up to the rest of Council, as well. They have the package in front of them to look at too. Any other comments? Some of this money has been spent. Is that correct? Okay, so we're not actually approving a \$5,000 line item; we're approving the balance as not yet spent.

Kristy Rogers: The only expenditure so far this fiscal year is the Sussex County Profile.

Mayor Jones: Okay.

Councilman Coté: How much would that have been?

Kristy Rogers: I believe that was around \$1,500.

Councilman Coté: I assume that would have been out of the media line?

Mayor Jones: Yes, it says \$1,229 here. Is that about right?

Bob Howard: I think it was a little bit higher this year.

Mayor Jones: Okay.

Bob Howard: But I don't know the final number.

Steve Crawford: It was \$1,300 and some odd dollars.

Mayor Jones: Thank you. Any other comments, questions?

Councilman Coté: I guess I'll ask. You have one year's bake sale money, or more than one year?

Bob Howard: The bake sale money came from two years. There was bake sale money from a third, prior year that was turned over to the town and disappeared at the end of the year.

Councilman Coté: Thank you.

Mayor Jones: What action would the Council like to take on this?

Councilman Garde: I would make a motion that we approve the Economic Development Committee budget, as amended, namely the \$6,000 comes down to \$5,000; the mural project gets deleted. I recommend we approve it, as submitted.

Councilwoman Patterson: I'll second.

Mayor Jones: Any further discussion?

Seth Thompson: And just to be clear, we're not looking to amend the Economic Development Committee spending procedure? Okay. I just want to make sure that everybody knows what the rules are.

Councilman Garde: Yes and the rule for the \$971 would be as you specified, that the Town Clerk could approve; and that doesn't have to come back here. That's the way you submitted this. My motion is to approve it as submitted.

Bob Howard: Thank you. That's my understanding.

Mayor Jones: Any other discussion? All those in favor say aye. Opposed. Motion is carried.

Bob Howard: Thank you.

- b. Public Works Operator I – employment plan and approval for hiring an additional employee

Mayor Jones: You have presented for us what was asked of you, in reference to your temporary laborer. This was up for discussion at budget time and you've retained that person as a temporary employee. This is your description of how we would use that person, a job description and why we need that person. Would you be so kind as to fill us in and if we have questions, be available.

Greg Wingo: As we discussed at budget time, the town's growing and it's grown the past several years. When I started back in this town eight years ago, we had six full time guys. We've had a lot of hassles over the years. We've dropped down to two guys and now we're starting to build the staff back up, but I'm still noticing a lot of things we just can't keep up on and we're falling behind. We've had a temp guy since February. He's been working basically every day with us until the present and having that extra hand it just means a lot, having that extra person. I'm trying to bring to the Council is hopefully we can go ahead and hire another full time position.

Mayor Jones: This particular man was one of the Public Works folks who was here Saturday night and volunteered his own time. Is he not?

Greg Wingo: That's correct.

Mayor Jones: I should have mentioned that when I thanked all of you for being here Saturday. So he has been trained with the other two that you took on new this year?

Greg Wingo: That's correct.

Councilwoman Parker-Selby: That would make you have how many, four?

Greg Wingo: That will make me have five. Five full time.

Councilman Coté: Including himself.

Greg Wingo: Including myself.

Councilman Coté: I don't know if Sam's going to ask, but we had this discussion. Are we required to post this position and seek applications?

Seth Thompson: If you create the position, then you're going to need to follow your Personnel Policy. Now there is a policy in terms of people that are already employed with the town; that's not necessarily full time or permanent employment, it's not defined, so there is a more streamlined process and again, your Personnel Officer is really the one that handles the actual hiring of that individual, at least the way I understand the agenda item. Mr. Wingo is looking for approval of that fifth person. He's not necessarily saying Eric is the person the Council is approving, so in other words, if you create that fifth position, at that point the Personnel Officer has to go through the hiring or recruiting process and maybe Eric decides, maybe I'm not going to do it, there could be somebody else put in that position. This position isn't one that requires the Council to approve the candidate.

Councilman Coté: No, I just wanted to make sure we were following our prescribed procedures to select the individual who would fill the position, rather than... I'm sure this

gentleman is a terrific guy and has been trained and is very familiar with our processes, but I just want to make sure we follow the right steps.

Seth Thompson: I would say that that's going to have to, if Council votes to approve creating the position, then that will be that follow through that has to occur afterwards.

Mayor Jones: I would argue that we're not creating the position, we're filling a vacancy. There's a difference.

Seth Thompson: There is a difference. When was the last time you had a fifth person?

Greg Wingo: I'd say about a year and a half ago.

Seth Thompson: Was it just through attrition, is that why your department dropped down, or was it an active decision by Council, do you remember?

Greg Wingo: No, what had happened was that person retired and the spot was never filled.

Mayor Jones: This job description presently exists. This hasn't been created for this individual.

Seth Thompson: Okay.

Councilman Coté: Just to comment on the number. In discussing budget items with the former mayor, he noted that they had had four for a long time. It was Allen, Dustan, you...

Kristy Rogers: It's been over three years.

Councilman Coté: It's been over three years since we had five; so I don't know whether that's filling a vacancy or...

Seth Thompson: The other element too, controlling the purse is really... The Personnel Officer can go and offer jobs to ten different people, but if the Council doesn't approve the money in the budget, you're setting yourself up to not pay minimum wage, basically.

Councilman Coté: Well the fifth person is not in the salary line. The fifth person is in the Temporary Labor line, so it's not an employee. I think maybe it's a hair to split, but it's there. I'm not sure what all the fine definitions are, if the position's been vacant for over three years and it's...

Seth Thompson: And your Code doesn't expressly provide for when a vacancy...

Councilman Coté: When a vacancy is a vacancy.

Seth Thompson: That's right. When it results to no longer being a position. It doesn't go into that level of detail, but certainly we can be guided by common sense and I think it makes perfect sense that the Town Administration, before they go and hire somebody, runs it by Council, because of the financial impact.

Mayor Jones: The funds were switched over to Temporary Labor, at the time, until this letter came out?

Greg Wingo: Yes.

Mayor Jones: Mr. Wingo makes a very good point in talking about how the town has grown and the responsibilities that are facing the employee's we have and those that we haven't even taken on yet, would be the dedication of the streets in some of the communities that are very close to having that happen. Is there anything else that you wanted to add, Mr. Wingo?

Greg Wingo: Not really. With this letter that I've written up, it hit the brief points and as I said, the way we're growing, we just can't keep going with what we have, or we're just going to continue to fall behind.

Mayor Jones: More importantly, would this fourth employee; you make mention of it in your comments here; it frees you up to do more supervisory work than the work that you're presently doing.

Greg Wingo: That's correct.

Mayor Jones: What is the pleasure of Council?

Councilman Coté: In order to move forward, motion to approve the additional individual.

Councilman West: I'll second that.

Councilman Garde: My only discussion is that it would be hired in accordance with our hiring process and not necessarily in accordance with Mr. Wingo's note, which refers to a specific human being to fulfill this; that we are not approving this specific human being this evening. We're approving a position.

Councilman Coté: I agree with that.

Councilman Garde: And, that the position, in terms of our budget, it would also be a change in the budget from a part-time employee...

Councilman Coté: From Temporary Labor to...

Councilman Garde: ...and that would be part of if that motion is approved, part of that motion would be to make that switch in the budget.

Councilman Coté: Yeah, we would probably do that at our six month budget review.

Mayor Jones: And Seth, you'll work with Kristy as far as the personnel and to make sure that that goes smoothly, no matter which route is taken.

Seth Thompson: That's right. So the way that your Code sets it up, you advertise, unless there's some logical progression of a current employee or there's some emergency that that vacancy has to be filled and you don't have time to advertise.

Mayor Jones: We have a motion and a second on the table to approve the position of Public Works Operator I. Any other discussion? All those in favor say aye. Opposed. Motion is carried.

- c. Fernmoor Homes at Heritage Creek is requesting a final subdivision review/approval for Phase 6

Mayor Jones: Mr. Schell and Mr. Kobin. Thank you.

John Collier: Council, if I may before Mr. Kobin begins, there's a memo that was included with the documents in your package, that describes the process that this has already been through. You also have, in your package, the comments from the Town Engineer regarding the fact that they have met all the comments that were made during the preliminary and final phases, through Planning and Zoning. It also references that Planning and Zoning has blessed this with their approval for final review and it just remains for the town to approve, before this can actually be recorded with the Recorder of Deeds.

Mike Kobin, Project Engineer, George, Miles and Buhr: Good evening. Preston Schell with Ocean Atlantic Management is here, as well. Do you have questions for him? Just to refresh your memories, because it's been awhile since you've seen this one. We're discussing Phase 6 of Heritage Creek and that's the area right here.

Councilman Garde: Partial purple.

Mike Kobin: And also this. Yes, Sir. It is a grand total of 69 units, 60 of which are

townhomes, four single family residences, two duplexes and three triplexes. As Mr. Collier said, this has been through the review process and you have a recommendation for approval from the Planning and Zoning Commission. This is a larger scale map of the area.

Councilman West: Okay, now I've got a question for you on this map. You've got Falcon Lane, then you've got Prospect Street; how are they going to know the difference between the people on Falcon Lane and Prospect Street, because that's what we ran into after Cannery Village. The last phase will be okay. You addressed that problem. Now how are you going to address this problem?

Mike Kobin: Yes, Sir. The difference there was that those homes didn't front on a public street. They fronted on open space. Every home in this section and every other bit of Heritage Creek fronts on a public street.

Councilman West: But you've still going to have a discrepancy with Falcon Lane and Prospect Street. If you don't show it so that these houses here are either Falcon Lane or Prospect Street, one of the two.

Mike Kobin: They will all be addressed from the public street, not the alleys.

Councilman West: Yeah, but if somebody comes down here or goes down Falcon Lane, how are they going to know the difference between one house and the other?

Seth Thompson: Councilman, are you worried about signage?

Councilman West: Yes.

Seth Thompson: Okay. I didn't mean to jump in too soon, but we typically deal with signage at the site plan level. We're just dealing with the sub-division, so in other words, taking one parcel of land and dividing it up.

Councilman West: Yeah, but if you don't address this now, it will get away from us in the future.

Mike Kobin: The alleys are pretty easily distinguished from the streets there.

Councilman West: But I want some assurance that it's going to be differentiated. That we're not going to run into this problem that we've got at Cannery Village. You all addressed the problem on the other sub-division, which was no problem. But this is going to show a problem with 9-1-1.

Mike Kobin: I don't believe it will, Sir.

Councilman West: I do.

Mike Kobin: The 9-1-1 addresses will all be off the public streets.

Councilman West: It doesn't matter. You've still got a lane here and you've got a street. Who is going to know the difference?

Mike Kobin: You have that everywhere you have an alley, in town and I don't see the distinction.

Councilman West: They don't.

John Collier: If I may, gentlemen. Councilman West, this was addressed during the preliminary hearing stage at Planning and Zoning, about the addressing of these particular units and Planning and Zoning was satisfied with how the developer chooses to deal with this. Essentially, this is an alley that's called Falcon Lane and even though you have to look at the greater plan, you have Heritage Boulevard and I believe, if I'm not mistaken, these gentlemen will correct me, that Falcon Lane is just an alley and I don't believe that any units are addressed to that, if I remember correctly.

Mike Kobin: That's correct.

John Collier: It's just an alley with a title. The houses on one side of that alley are actually addressed to Heritage Boulevard. The houses on the other side of that alley, are addressed to Prospect Street and the alley was just named as a matter of convenience; or the lane was named as a matter of convenience; they could have left it unnamed. It allows for them to access the rears of the properties. I think they have rear garages, if I'm not mistaken.

Preston Schell: Yes, it's very obvious when you drive down a lane, relative to... The streets are wide. They are approximately 42' wide? Or even wider than that.

Councilman Kost: 60'.

Preston Schell: 60' wide and all the houses front on those streets. That's where all of the numbers for the houses are; that's where if you typed in a GPS address, that's where it would take you. The GPS address wouldn't even have Falcon Lane in it, I don't think.

Councilman West: Okay, as long as that's addressed, I have no problem with that.

Preston Schell: It is a good point. You don't want to call an ambulance and then the ambulance gets confused and comes down Falcon Lane.

Councilman West: I don't want a Cannery Village deal.

Councilwoman Patterson: That's what happens in Cannery Village, but I have driven through the development over there and you really can tell the difference. There really is a differential between the alleys and the streets.

Preston Schell: We weren't quite as creative as Cannery Village. Most of our streets are straight.

Councilman West: I just wanted to get that out there.

Preston Schell: That's a good point.

Councilman West: I've got no problem with you moving forward. I just don't want...

Preston Schell: If it does become a problem, I think maybe we can label the alleys... I don't know if taking the label away, or labeling them more clearly as this is an alleyway for trash vehicles and access to garages only; it's not for address purposes. There might be something that we can do if we run into similar problems like Cannery Village ran into.

Councilman West: Okay. I've got no problem with that.

Mayor Jones: It's a service lane.

Preston Schell: Correct.

Councilman West: I just don't want to run into this, because the last phase you did, everything was plain and clear. There were no alleys stuck in there. Now you've got that alley stuck in there and I don't want that confusion to happen. That's my concern.

Mike Kobin: Yes.

Councilwoman Parker-Selby: For whatever it's worth, on the map it says all lots having an alley are to be classified as rear load and driveways and garages are to be accessed from the alley; so that's what you have here.

Preston Schell: Correct.

Councilman Kost: I'd like to just make a note that in the Notes Section, for the public record, it reads "sub-division streets, rights-of-way 50' or more and alleys 25' right-of-ways, constructed within the limits of the right-of-way dedicated to the public use, as shown in this plan, are to be maintained by the Town of Milton, following completion of

the streets by the developer to the satisfaction of the town.” I'd like to just add that to the official record.

Councilman Garde: Since we discussed flood plains extensively this evening, I did not note a reference to affirm to a flood insurance rate map anyplace. Can you just assure us that you're not in the flood plain and that you've verified that against the currently applicable flood insurance rate map?

Mike Kobin: Yes. There should have been on the...

Councilman Garde: I didn't see it on these notes. They may be on some other notes.

Mike Kobin: It should have been on the construction plan cover sheet.

Councilman Garde: I'm only on the Council for a month and the only document in front of me is this and there is no reference to affirm on the document that was presented and I just want to make sure that the engineer has consulted the most recent flood insurance rate map.

Mike Kobin: Yes, I have not seen the proposed maps, but the existing maps only impacted right along Round Pole Branch and those lots were well up out of the flood plain. The ones that we're talking about here, if those are in, we're in trouble. I've not seen the new maps, but I can say pretty confidently that those would not be in there.

Councilman West: But still out there, if you get floods out there, we're all are in trouble.

Mike Kobin: That's my point.

Councilman Garde: The issue is whether the engineer of record has checked and can confirm that...

Mike Kobin: Yes, Sir. With the maps that were in affect at the time.

Councilman Garde: Okay and that would be in a note that we don't have. It would be on the Master Plan?

Mike Kobin: It should be on the construction plan sheet; the cover sheet...

Councilman Garde: But it's not on the...

Mike Kobin: That's just the record plan, there.

Councilman Garde: Okay.

John Collier: Councilman, for your information, the only thing I provided for the Council is the Record Plan, which is what is recorded. I did not burden you with the construction plan. Those comments have been addressed and they do exist. I can assure you that they're there.

Councilman Garde: Thank you.

Preston Schell: And in the off chance that the new maps do necessitate either a change in our plan, or just an increase in the height of the baseboard of the homes, they will all comply following the passage of the inaction of those new maps. I don't think that will be the case, but we can easily raise the houses, the baseboards up a half a foot or a foot or so if need be, in certain areas.

Councilman Garde: Thank you.

Mayor Jones: Do I hear a motion from Council?

Councilman West: I make a motion that we approve their request to be able to go further with their project on Phase 2.

Councilwoman Patterson: I'll second.

Mayor Jones: Any further discussion by Council? All those in favor say aye. Opposed. Motion is carried. Thank you very much. Sorry.

- d. Policy/Procedure and Request Form for collections during parades

Mayor Jones: Mr. Collier, this is from you?

John Collier: Yes, Ma'am. As the memo that's attached to this states, we have received a request from a representative in the Milton community Food Pantry to set collection bins at the upcoming Christmas Parade. There was nothing on the code that strictly prevented it, so we approved the request on a one time basis, but in the interest of heading off this becoming a regular thing or out of control, I thought it would be prudent that the Council review a policy of sorts and a procedure for this type of approval and what I've drafted for your consideration is a policy with basic rules and considerations and also an application form which is loosely based on the form that's very similar to the form that's used for the park, with some exclusions of some of the information that need provided for the park. I think I've covered all the possible nuisance points. I've allowed for the fact that if they choose to use private property, that they have to submit a letter of approval from that property owner, in advance; that we won't approve an application without it; and reserve the right to limit the number of points they could do; there would be no roving collections. If they're going to exchange goods for money, they would be required to get a peddler's license from the town, so I think I've covered all the points. We've limited the areas to between Broad and Mill along the normal parade route. The town has two locations that they could ultimately say you can sit them in these two places only and have every right to say that and they would be: one is the little triangular shaped piece right at the bridge, next to the _____ property. There's a public right-of-way there that's back out of the walking path and then the driveway at the house on Federal Street that the town currently owns. They would be the only two places the Town could offer anybody to use as approval.

Mayor Jones: I have two things. One, we'll start at the back. The failure to abide, because if you're going to put a new policy in place, you need to have some kind of consequence for failure; so the failure to abide by a policy is that your group could be suspended from future events. The other, and most important for me, I'd like either you or Mr. Thompson to define a responsible organization for me. The word "responsible". By whose measure?

John Collier: Well, I would have assumed that at this point in time it would have been the measure of my particular office in the Town Hall and generally the idea that came to my mind is at the Christmas Parade I can see us approving somebody to operate Salvation Army kettles; much like the Masonic Lodge, which does it in front of the Food Lion. It would be an opportunity for them to reach out to another group of people, other than those shopping. Food pantries with collection bins. We have several food pantries that operate in the town.

Mayor Jones: You're going to get... Your issue here is going to be the word "responsible". That's mine.

John Collier: Well, I'm certain that we could come up with a greater definition. This was just for your consideration tonight and it's certainly open...

Mayor Jones: And I appreciate the work you did on this. I think it's very valuable.

John Collier: It's certainly open to any suggestions that you might want to have, or any comments or anything else. I didn't expect this to be adopted tonight.

Councilwoman Parker-Selby: I would just like to know what prompted this type of policy. I don't know about who has collected what.

John Collier: Well what prompted it was the initial request that came in from the Food Pantry and currently we have nothing in our books, policies, procedures, anything that addresses a request of this type, so we looked at the fact that it's the Milton Community Food Pantry, it's Christmas, and as a community we want to be supportive of these types of things to some degree. So we granted it permission, but what I saw was the opportunity that once you let one group do this, then you could be flooded with the number of groups that might want to take the same opportunity. We have at least two parades in town every year. This enables the Town to first of all, limit who you may or may not allow; if you don't run into a thing where you're impeding the pedestrians that are trying to enjoy the parade; you don't allow somebody to infringe on private property without permission. I just think it's a prudent move on our behalf, to be responsible in the future for allowing this, because we've opened the door for more to come is what it amounts to.

Councilwoman Parker-Selby: The reason I asked that, I've been here all my life. I've never seen anybody sitting around at parades collecting anything and I know every school, every club and organization at this time of year, always solicits canned goods; our Neighborhood Watch solicits canned goods; everywhere you go, so I haven't seen it as a problem, that's why I asked you what prompted this. Having a policy for every little thing to me is kind of like discouraging...

Councilman Kost: Is this one asking, the first one ever?

John Collier: This is the first time we've ever had this request and because it's a first timer, I think that if we don't establish a procedure and a set of considerations, it could get to the point where we could have somebody every section of the sidewalk wanting to set up and try to collect, or anything else. People don't normally show up to a parade to be inundated with hitting up for collections, but on the other hand, I think it's okay to offer that on a limited basis. But you have to do establish what the limits are. That's primarily why.

Councilwoman Parker-Selby: I'm not disagreeing with that thought. I just don't want us to become policies; every time I turn around I'm looking at policies and after awhile people become discouraged and _____ you town then go somewhere else, or whatever. Like I said, I never have seen a lot of this, therefore it concerned me that we're making another policy.

John Collier: Two events a year is the only thing that we currently have on the books, that this may impact. The sidewalks are at the point where you have enough people that are there as spectators, that they already are kind of flowing out into the streets and if you add this other layer in there, or allow this other layer unchecked, you begin to clog your parade route; that was my concern.

Councilman Kost: Have we granted permission for these folks to actually solicit already?

John Collier: This was granted by our Code Enforcement Officer. It was given to him.

Councilman Kost: It's a done deal, then.

John Collier: He's given the approval for this one group and it's been given as a one time only approval and I just don't want... I think it's best that we address this sooner, rather

than later. I don't know that it will ever get out of hand and nobody may ever ask again, but I would rather be prepared for it, then to get to the point where you have seven or eight organizations coming forward, or that they make the assumption that it's okay to do it without permission. That's the point that I'm making.

Mayor Jones: This policy, to me, is more about how you can legally say no, as opposed to how you can say yes.

Seth Thompson: I suppose I look at it as it's the ability to avoid somebody claiming they were arbitrarily denied; because you want to treat people fairly and Councilwoman I understand your point; we don't want the Code of policies to be the size of this room. At the same time, I think it's helpful for Town Administration if there are policies in place, they could say well this is how I should govern this application; or this is how this request should be handled. Mayor, I understand your point, as well, that this is us being able to say no...

Mayor Jones: Right. And it is and I wonder if parades cover it, because if you're going to grant collections by charitable organizations, that can also occur during public events, not just parades. So if you're going to address this...

John Collier: We have a park policy and I didn't want to try to incorporate this into the park policy.

Councilwoman Parker-Selby: So the Girl Scouts too?

Councilman Coté: It's addressed in the park policy.

John Collier: I believe it is addressed in the park policy.

Councilwoman Parker-Selby: Yes, that's another policy. That's what I'm saying.

Councilman Kost: To me, the real question is, do we want to permit this at all? It's a one-time event. One person. One time. Do we want to have collections at any event, ever?

John Collier: I understand your point and why allowing one, you've opened the door for another one to come forward, so you have to somehow be able to state yea or nay and be able to justify it, because some people have nothing better to do than to look for an argument about why they were turned down and this guy over here got permission.

Mayor Jones: On what grounds, or ordinance code, was this permitted?

John Collier: Well there's nothing that prevents it.

Mayor Jones: There it is.

John Collier: This is the point. It's either sit down and write an ordinance this specific issue and then you have to address it town-wide or you put something in place for an event. We require a parade permit and I haven't heard anything out of any of the organizations that asks for a parade permit yet, and they may have push back to this and this is why I'm presenting this now. We've got three months before we have another parade. I'm not asking for this to be adopted tonight and I didn't expect it to, but I think that it certainly is an issue that deserves consideration, because my part of the Town Administration is the one that will ultimately have to deal with this; if we don't allow it and people are tempted, I've got to be able to have some measure of enforcement. If we are going to allow it, we have to have some measure of control.

Councilwoman Parker-Selby: So this means the Girl Scouts would have to get one of these policies? I'm just throwing it out there.

John Collier: The idea with the Girl Scouts and I've used this as an example...

Councilwoman Parker-Selby: Because they're everywhere.

John Collier: ...in discussion, is that to come to a public event, a Town event and to offer something in exchange for money, requires a peddler's license. That would be what we would require the guy that goes on the sidewalk with a shopping cart, selling balloons and stuff during parades and we allow that; if they have the license. You have to be on an even keel with this. I understand the Girl Scouts and the Girl Scouts have 101 outlets.

Councilwoman Parker-Selby: I just threw that out there, because they don't... they're wherever and everybody knows the Girl Scouts are out there.

John Collier: Well, this policy prevents you from having the Girl Scouts at this, because of the monetary thing.

Councilwoman Parker-Selby: I disagree with that then.

Councilman Coté: It doesn't necessarily prevent them. It just says they have to ask. It doesn't prevent...

Councilwoman Parker-Selby: How many other towns have this kind of policy, may I ask?

John Collier: I have no idea.

Councilwoman Parker-Selby: I don't want to be the first town to say we're anti-people coming to help other people who are less fortunate.

John Collier: I don't look at this as being anti.

Mayor Jones: I don't read this policy in that way.

Councilwoman Parker-Selby: Well I'm looking at canned goods and things like that are collectibles, whatever and people might be on the street trying to get something for the food bank, which they're doing already everywhere. I don't know. I just have a problem with it. That's me. I'll take it home.

Councilman Coté: I have a small technical question and Mr. Thompson can probably answer this. At the bottom of the page, in bold print, roving collections will not be tolerated. Is will equal to shall, or is shall better than will?

Seth Thompson: That's actually a legitimate legal debate, believe it or not. I did use shall as it's mandatory vs. will as predictive, but I think if somebody went into one of our Justice of the Peace Courts and tried to make that argument, I don't think it would be successful. I like to use the word shall, because there is that debate.

John Collier: Councilman, I will point out to you that that's the only place that I used the word will.

Councilman Coté: Okay.

Councilman Kost: To me the real question is, if we say we're only going to allow eight and twelve people apply, what are you going to do? Once we've opened the door and made this a policy, there's no real way to limit, who you can say no to, without eventually winding up in a newspaper article, somewhere, someone was not allowed to come and they were.

Seth Thompson: It does indicate that it's on a first come, first serve basis.

Councilman Kost: I'm just talking about limiting the total number, otherwise you could have one every seven feet; somebody trying to collect money for some purpose.

Councilman Coté: Limit the number and first come, first serve. If I'm the ninth...

John Collier: The Town reserves the right to limit the number of collection points established.

Councilman Kost: Then I would establish the number right now. A specific number, in

the beginning.

Mayor Jones: You could almost use the word legitimate organizations, rather than responsible.

Councilman Coté: I don't know that you can, because if somebody gets permission to use private property... I don't know if that fits into...

John Collier: That will mean the private property angle without a policy, enables them to set one every yard, because they're on private property we have no control over that.

Councilman Kost: That's private property. I'm assuming we're talking about public property.

John Collier: As I stated, we have actually two pieces of public property that the Town would have the ability to say you may set here; everything else would have... by restricting them from impeding pedestrian traffic, that eliminates them setting up in the middle of the sidewalk and restricting the flow of traffic or taking up space. There are all kinds of little ins and outs that they have to meet and I've asked in this policy that it be submitted 21 days in advance of the event, so that we have the time to review it and that also lends itself to first come, first served, because if you don't make it 21 days in advance, sorry.

Mayor Jones: In light of the time the subject matter, is it possible, since you did not expect any true result from this, this evening that I could send you back and ask you to check on a couple of the municipalities in our very close region?

John Collier: I am perfectly willing to do anything you like, as well as make any changes in the language of. I had to start someplace with this and I felt that it was wise to introduce this to the Council, rather than it come to the Council in the form of a complaint from the public participation.

Mayor Jones: I understand that. I'd rather be proactive, but let's let everybody stew on what we have here and if you'll come back to us with some examples or you may find municipalities that are devoid of this.

Seth Thompson: I could see other municipalities defining solicitation more broadly than you do, as well. I can see how it gets encapsulated in _____. That might be another area.

Mayor Jones: That might be the direction to look.

Councilman West: It's just like John brought up about the Salvation Army and the Masonic Organization; even though they set up at Food Lion or Wal*Mart or wherever, they have to have permission from that entity, even though it's a public place, they still have to have permission from that establishment before they can set up.

Councilwoman Parker-Selby: I'm not talking about those places. I'm talking about parades; specifically parades.

Councilman West: It goes back to the same thing.

Councilwoman Parker-Selby: I'm saying, Emory, I have not seen at these parades and I used to go to every one of them when my kids were in the system; I didn't see people roaming around, selling things, whatever. You go get your _____ from the Lion's Club, or whatever; that's why I asked what prompted this type of policy. I just haven't seen it.

John Collier: The initial request from one entity has...

Councilwoman Parker-Selby: That's like a whole lot of one things that _____ the whole

country, in some cases. I don't go with that one thing. I like to see if this is a nuisance or a bunch or lots; that's when I think action... One monkey don't stop the show, that's what I was told. I don't think we should have one group or one person to ruin everything for everybody else. That's just me.

John Collier: Point well taken, councilwoman.

Councilman Coté: Motion to table until we get the additional information already requested.

Councilwoman Parker-Selby: Right. I could go with that.

Seth Thompson: Is that a second?

Councilman West: I'll second that.

Mayor Jones: All in favor say aye. Opposed. Motion carried.

- e. Community Development Block Grant: Resolutions 2014-11, 2014-12, 2014-13

Mayor Jones: We have the Community Development Block Grant Resolution that will need to be signed. You need that read into record?

Seth Thompson: That would be great.

Mayor Jones: All of them?

Seth Thompson: We can do that. Do you want to start with 2014-11?

Mayor Jones: Yes. Community Development Block Grant Program, whereas Town of Milton recognizes the importance of Fair Housing for the citizens of Milton, and, whereas the Town of Milton supports the goals of the Federal Fair Housing Law, now therefore, be it resolved that the Town of Milton heartily encourages all parties involved in the renting, selling, or financing of housing in the Town of Milton to insure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation or disability be discriminated against, or denied a fair and equal opportunity to housing and be it therefore resolved that the Town of Milton, when acting as Administrator of a Community Development Block Grant is hereby authorized to take such actions as deemed necessary to affirmatively further Fair Housing in connection with the said Community Development Block Grant.

Councilman West: Madame Mayor, I make a motion that we proceed with this Resolution and you sign it.

Councilwoman Parker-Selby: Second.

Councilman Garde: One thing. The language I was taught says that to insure is to buy an insurance policy and to ensure, which is the word you use, then the next one you use the word ensure. I recommend that we change insure, to ensure and go ahead and sign it.

Seth Thompson: So changing the I to an E. I understand your point.

Mayor Jones: Thank you.

Seth Thompson: Councilman West, do you mind amending your motion?

Councilman West: I make a motion that we accept 2014-11 with the change of insure, to ensure, with an E, not an I.

Councilman Garde: A one letter change.

Councilman West: Okay.

Councilwoman Parker-Selby: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Resolution 2014-12. Affirming the principles of the Fair Housing Act, as an administrator for the

Community Development Block Grant Program of the Delaware State Housing Authority, as administered by Sussex County Council. Whereas Town of Milton recognizes the importance of Fair Housing for the citizens of Milton, and, whereas the Town of Milton supports the goals of the Federal Fair Housing Law, now therefore, be it resolved that the Town of Milton heartily encourages all parties involved in the renting, selling, or financing of housing in the Town of Milton to ensure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation or disability be discriminated against, or denied a fair and equal opportunity to housing and be it further resolved that the Town of Milton, when acting as Administrator of the Community Development Block Grant is hereby authorized to take such actions as deemed necessary to affirmatively further Fair Housing in connection with the said Community Development Block Grant.

Councilman West: Madame Mayor, I make a motion that we adopt Resolution 2014-12 and you sign it.

Councilman Garde: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Are you going to fill in the figures here for me, if I'm going to read this one?

Seth Thompson: The two blanks that we're talking about, as you can see, there's a reference to the total infrastructure project cost.

Mayor Jones: Zero, right?

Seth Thompson: I believe that's zero, because we're not dealing with any infrastructure and so therefore, the matching funds would be in the amount of zero dollars.

Mayor Jones: Okay, so the first one, as well? Total infrastructure project cost is...?

Seth Thompson: Zero.

Mayor Jones: Zero. Okay, so this is Resolution 2014-13 endorsing project to be submitted to the Delaware State Housing Authority for funding from the U.S. Department of Housing and Urban Development, authorizing the Sussex County Administrator to submit application. Whereas the Town of Milton resolves to apply for community development funds from the Delaware State Housing Authority, in accordance with appropriate regulations governing Community Development Block Grants, State of Delaware Program for Block Grants, as contained in Section 570488-49924CFR U.S. Department of Housing and Urban Development, and whereas the Town of Milton has met the application requirements of Attachment "E", Delaware Community Development Block Grant Policies and Procedures, citizens participating requirements and whereas, Sussex County plans on accomplishing the requested projects with Community Development Block Grant funds and whereas the Town of Milton and Sussex County are in agreement with this activity. Now, therefore, be it resolved by the Town of Milton and Sussex County that they endorse and grant permission for the following activity: application, rehabilitation, infrastructure and demolition. The total infrastructure project cost is zero; matching funds in the amount of zero will be provided by the Town of Milton General Fund. Note: to be used for infrastructure purposes only. I do certify that the foregoing is a true and correct copy of Resolution number 2014-11, 2014-12, passed by the Town of Milton, Sussex County on the first day of December, 2014, as evidenced by a copy of the minutes from the aforementioned meeting. It has been approved by the Town of Milton Council and that the Mayor has the authority to

sign below.

Councilman West: Madame Mayor, I make a motion that we adopt Resolution 2014-13 and allow you to sign this.

Councilman Garde: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried.

16. Executive Session:

- a. Personnel matters in which the names and abilities of an individual employees are discussed
- b. Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body

c. Preliminary Land Acquisition

Mayor Jones: Do I hear a motion to go into Executive Session?

Councilman West: I make a motion to go into Executive Session.

Councilwoman Patterson: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried.

Mayor Jones: Do I hear a motion to come out of Executive Session?

Unknown Speaker: So moved.

Unknown Speaker: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried.

17. Discussion and possible vote on Executive Session items

Councilman Coté: Motion to go back into session.

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. We need a motion on the first item a. Executive Session. Am I correct in saying the motion can be to proceed with items, as discussed?

Seth Thompson: So to approve the offer, as discussed.

Mayor Jones: To approve the offer as discussed.

Councilman West: I make a motion that we make the offer that we discussed in Executive Session to the parties concerned and let it go from there.

Councilman Garde: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Item c. Preliminary Land Acquisition. I need a motion.

Councilman West: I make a motion that that be put on the next Town Council agenda for the public's knowledge. Isn't that what you said, Councilman Garde?

Councilman Garde: No. I think what...

Mayor Jones: Hold it. Is that a legitimate motion? Are we bound by that?

Councilman West: I could withdraw that.

Seth Thompson: It wasn't seconded.

Councilman West: I'll withdraw that.

Mayor Jones: You want to take a shot at it, Councilman Garde?

Councilman Garde: I need a sidebar. I make a motion that we decline the preliminary land acquisition opportunity.

Councilman West: I'll second that.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion is carried.

18. Adjournment

Councilman West: I make a motion that we adjourn.

Councilman Côté: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 11:05 p.m.